

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AGERE SYSTEMS, LLC, et al.,

Plaintiff,

v.

ADVANCED ENVIRONMENTAL
TECHNOLOGY CORPORATION, et al.,

Defendants.

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CIVIL ACTION NO.
02-cv-3830 (LDD)

**DECLARATION OF MELISSA E. FLAX IN SUPPORT OF DEFENDANT
HANDY & HARMAN TUBE COMPANY, INC.'S MOTIONS *IN LIMINE***

MELISSA E. FLAX, of full age and upon her oath declares as follows:

1. I am a member of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, attorneys for defendant Handy & Harman Tube Company, Inc. ("H&H Tube") and am admitted *pro hac vice* before this Court in connection with the above captioned matter.

2. I submit this declaration in support of H&H Tube's motions *in limine*.

3. Attached hereto as Exhibit A is a true and accurate copy of a "summary" of an interview of Thomas Curran.

4. Attached hereto as Exhibit B is a true and accurate copy of a "summary" of an interview of Mary Kollmar.

5. Attached hereto as Exhibit C is a true and accurate copy of a "summary" of an interview of Jay Crawford.

6. Attached hereto as Exhibit D is a true and accurate copy of relevant portions of the deposition transcript of Thomas Curran dated December 2, 2004.

7. Attached hereto as Exhibit E is a true and accurate copy of the January 17, 2005 letter to Mark Davies, counsel for Plaintiffs from Melissa E. Flax.

8. Attached hereto as Exhibit F is a true and accurate copy of selected pages from what purports to be a 1992 report.

9. Attached hereto as Exhibit G is a true and accurate copy of relevant portions of expert report of Jurgen H. Exner.

10. Attached hereto as Exhibit H is a true and accurate copy of relevant portions of the deposition transcript of Jurgen H. Exner.

11. Attached hereto as Exhibit I is a true and accurate copy of the January 7, 2007 email from Melissa E. Flax to Glenn A. Harris.

12. Attached hereto as Exhibit J is a true and accurate copy of the January 10, 2007 email from Melissa E. Flax to Glenn A. Harris.

13. Attached hereto as Exhibit K is a true and accurate copy of the January 13, 2007 email from Glenn A. Harris to Melissa E. Flax.

14. Attached hereto as Exhibit L is a true and accurate copy of a DeRewal Chemical Invoice dated February 1973.

15. Attached hereto as Exhibit M is a true and accurate copy of relevant portions of the deposition transcript of Larry Rees, dated November 18, 2004.

16. Attached hereto as Exhibit N is a true and accurate copy of relevant portions of the deposition transcript of Mary Kollmar, dated November 18, 2004.

17. Attached hereto as Exhibit O is a true and accurate copy of relevant portions of the deposition transcript of Thomas Bell dated February 24, 2005.

18. Attached hereto as Exhibit P is a true and accurate copy of relevant portions of the deposition transcript of Manfred T. DeRewal, Sr., dated May 8, 2003.

19. Attached hereto as Exhibit Q is a true and accurate copy of relevant portions of the deposition transcript of Karen Castillo, dated June 3, 2003.

I declare under penalty of perjury that the foregoing is true and accurate.
Executed on this 23rd day of May 2008.

 [MF1386]
MELISSA E. FLAX [MF4060]

EXHIBIT A

Date Transcribed February 12, 1993ORIGINAL
(Red)

THOMAS H. CURRAN was interviewed at his office at Handy & Harmon Tube Company, Inc., Township Line and Whitehall Road, Norristown, PA 19403. The following descriptive information was obtained:

Home Address:
Home Telephone:
Date of Birth:
SSAN:
Employer:

Handy & Harmon Tube Company, Inc.,
Norristown, PA
Vice President - Manufacturing

JOHN C. BULLOCK, Esquire, Environmental Counsel, Handy & Harmon, Waterbury, CT, was present for the interview. Mr. Grabill identified himself by displaying his credentials and advised Mr. CURRAN that the interview concerned his knowledge of the type and extent of a possible relationship between Handy & Harmon Tube Company, Inc. and the Bearhead Farm Site during the period from 1969 to 1977. Mr. CURRAN was also advised that the investigation had been authorized by the U. S. Environmental Protection Agency (EPA), Region III, Philadelphia, PA and that his participation was voluntary. Mr. Grabill informed Mr. CURRAN that no information protected by attorney/client privilege would be sought. Mr. CURRAN agreed to be interviewed and stated that he would be willing to review this statement and, after reviewing it for accuracy, sign the statement.

Prior to the start of the interview, Mr. BULLOCK advised that Handy & Harmon Tube Company, Inc. is a separate corporation and that the parent company is Handy & Harmon, Waterbury, CT. Mr. CURRAN then provided the following information:

Mr. CURRAN stated that he has been employed by Handy & Harmon Tube Company, Inc. for twenty-eight years and that he is currently the Vice President of Manufacturing. During the pertinent period, 1969 to 1977, he was an Assistant in the Production Control Office. As such, he was not responsible for waste disposal. During this period, the Maintenance Department may have been responsible for placing liquid wastes in containers for disposal. The Maintenance Department would have contacted Purchasing to have them contact a hauler. BOB ZIMMERMAN was Maintenance Manager during part of the pertinent period, but he is now deceased. ROBERT RECHER was a Purchasing Agent, possibly in 1972 or 1973, but he is no longer employed by Handy & Harmon, and his location is not known. MARY KOLLNAR is currently Purchasing Manager. She began in the Purchasing Department in 1972 or 1973.

Mr. CURRAN stated that Handy & Harmon Tube Company manufactures stainless steel tubes of various diameters and lengths. Some of the tubing is very small and is used for instrumentation. The raw material is placed in acid baths for a

Interview of Thomas H. CURRAN On 2/11/93 JMA File # 90-150
by Richard C. Grabill Case File # CDI Work Asgmt. # C03032

pickling process which reduces the size. The steel rods are then drawn through a die and over a mandrel in a cold drawing process to further reduce the size. Mr. CURRAN said that the pickling baths use hydrofluoric acid, hydrochloric acid, sulfuric acid, and nitric acid mixed with water. The acid content ranges from 8% to 18%. Ordinarily the acids are not mixed and are separate baths. Spent acids are taken out by tankers. The hauler, currently and during the pertinent period, is Waste Conversion Systems whose headquarters are in Hatfield, PA. Mr. CURRAN could not estimate the volume of spent acid generated and hauled out from 1969 to 1977. ORIGINAL

Mr. CURRAN stated that the product was cleaned with a trichloroethylene bath and annealed in a hydrogen atmosphere. No finish coating was applied. The trichloroethylene was redistilled in-house which generated a sludge. The sludge was placed in 55-gallon drums. During the pertinent period, it may have been hauled out by Delaware Container or Chemciene. To the best of Mr. CURRAN's memory, Chemciene hauled out some of the sludge for recycling at no charge to Sandy & Harmon.

Mr. CURRAN recalled the name DeKoval but could not associate the name with hauling out sludge or other wastes. He did not recognize DeKoval Chemical Company, invoice number 371, dated 1/3/73, issued to Sandy & Harmon Tube Company.

Mr. CURRAN stated that 10W30 and other oils were used in their vacuum furnaces and became a waste stream. This was recycled by outside vendors whom he did not recall. He stated that the volume was not very large.

Mr. CURRAN said that another waste stream was generated by the use of animal fats based, oil based, and rubber based lubricating oils. This waste was collected in 55-gallon drums and picked up by a hauler whom he did not recall.

Mr. CURRAN stated that the finishing operation includes a grinding process lubricated by water which creates a mix of metal particles and water. This mixture must be disposed of, but it is not a hazardous material. Mr. CURRAN advised that the manufacturing process does not generate any copper wastes.

Mr. CURRAN stated that while the name DeKoval was familiar to him, he did not recognize the names DeKoval Chemical Company; Revere Chemical Transport; Revere Chemical Company; Echo, Inc.; HANFORD DEKVAL; ROBERT DEKVAL; JONATHAN DUNN; KAREN BEAN; or any of the other names set forth on page 3, paragraph 3 of the 104(e) letter from the EPA dated September 30, 1992.

Mr. Curran could provide no further information of value, and the interview was terminated.

STATEMENT OF THOMAS H. CURRAN:

I, Thomas H. Curran, have read the above statement; and it is true and accurate to the best of my recollection. I have voluntarily signed this page and have initialed all corrections and each of the above pages to attest to the accuracy of this statement. No threats or promises have been made to me, and no coercion of any kind has been used to make me sign this statement.

Date: _____ Signature: _____

Boarhead Farms Site
Curran, Thomas H.
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EXHIBIT B

Date Transcribed February 13, 1993

ORIGINAL
(Red)

MARY A. KOLLHAR was interviewed in the offices of Handy & Harmon Tube Company, Inc., Township Line and Whitehall Road, Norristown, PA 19403. The following descriptive information was obtained:

Home Address:	Preferred contact at place of business
Home Telephone:	Preferred contact at place of business
Date of Birth:	[REDACTED]
SSAN:	[REDACTED]
Employer:	Handy & Harmon Tube Company, Inc. Norristown, PA Purchasing Manager

JOHN C. BULLOCK, Esquire, Environmental Counsel, Handy & Harmon, Waterbury, CT, was present for the interview. Mr. Grabill identified himself by displaying his credentials and advised Ms. KOLLHAR that the interview concerned her knowledge of the type and extent of a possible relationship between Handy & Harmon Tube Company, Inc. and the Bearhead Farms Site during the period 1969 to 1977. Ms. KOLLHAR was also advised that the investigation had been authorized by the U. S. Environmental Protection Agency (EPA), Region III, Philadelphia, PA, and that her participation was voluntary. She was informed that no information protected by attorney/client privilege would be solicited. Ms. KOLLHAR agreed to be interviewed and stated that she would be willing to review this statement and, after reviewing it for accuracy, sign the statement. She then provided the following information:

Ms. KOLLHAR stated that she started working for Handy & Harmon Tube Company, Inc. in 1972 as a clerk/typist in the Purchasing Department. Her duties primarily involved typing and filing purchase orders. She recalled typing purchase orders for Waste Conversion Systems to haul out waste, but she did not recall the type of waste involved.

Ms. KOLLHAR stated that she recalled the name DeReval, possibly in connection with the pick-up of wastes for disposal. She thought that she had typed a debit memo to the file for DeReval Chemical Company services. She did not recall ever having typed any purchase orders for DeReval Chemical Company, and she did not recognize DeReval Chemical Company invoice number 371, dated 2/3/73, issued to Handy & Harmon Tube Company. Ms. KOLLHAR stated that this invoice would have been received by the Accounting Department and would not have been handled by her. The Purchasing Agent at the time would have made contact with the outside hauler, and she would not have had any contact with the office of DeReval Chemical Company. She stated that NORM WILLIAMS was a Purchasing Agent from 1973 to 1980, but he is now deceased. BOB ZIMMERMAN was the Plant Manager during the pertinent period, but he is also deceased. Ms. KOLLHAR could not remember any other employees, former or current, who may have been involved in waste disposal. In addition, there are no records available to research since the Purchasing

Interview of Mary A. Kollmar On 2/3/93 JHA File # 90-150
by Richard C. Grabill Client File # CDE Work Asgmt. # C03052

[REDACTED]

Department maintained records for only three years during the pertinent period. ORIGINAL

Ms. KOLLMAR stated that during the pertinent period, "TCE" and lubricating (Red) oils were collected in 55-gallon drums and were hauled away by an outside vendor. She did not recall the volume of waste or who may have hauled it out for disposal.

Ms. KOLLMAR stated that she recognized the name HANFRED DERRVAL, probably as the result of hearing the name in the office and because it is an unusual name. She recalled having seen the name Revere Chemical Company in an old rolodex which was disposed of many years ago. She did not know what the connection between Revere Chemical Company and Handy & Harmon Tube Company was.

Ms. KOLLMAR did not recognize the names Echo, Inc.; Revere Chemical Transport; KAREN KEAN; or any of the other names set forth on page 3, paragraph 3 of the 104(e) letter from the EPA dated September 30, 1992 as having any connection with Handy & Harmon Tube Company, Inc.

Ms. KOLLMAR could provide no further information of value, and the interview was terminated.

STATEMENT OF MARY A. KOLLMAR:

I, Mary A. Kollmar, have read the above statement; and it is true and accurate to the best of my recollection. I have voluntarily signed this page and have initialed all corrections and each of the above pages to attest to the accuracy of this statement. No threats or promises have been made to me, and no coercion of any kind has been used to make me sign this statement.

Date: _____ Signature: _____

Boardhead Farms Site
Kollmar, Mary A.
Page 2

[REDACTED]

**ORIGINAL
(Red)**

BOARHEAD FARMS SITE

INTERIM REPORT 18

APPENDIX B

Interview Summary - Rahns Specialty Metals Employee

Pierce, James E.

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EXHIBIT C

Date Transcribed February 12, 1993

JAY E. CRAWFORD was interviewed in the offices of Handy & Harmon Tube Company, Inc., Township Line and Whitehall Road, Norristown, PA 19403. The following descriptive information was obtained:

Home Address:
Home Telephone:
Date of Birth:
SSAN:

Employer:

Handy & Harmon Tube Company, Inc.
Norristown, PA
Supervisor of Welding and Raw Materials

JOHN C. BULLOCK, Esquire, Environmental Counsel for Handy & Harmon, Waterbury, CT, was present for the interview. Mr. Grabill identified himself by displaying his credentials and advised Mr. CRAWFORD that the interview concerned his knowledge of the type and extent of a possible relationship between Handy & Harmon Tube Company, Inc. and the Bearhead Farms Site during the period from 1969 to 1977. Mr. CRAWFORD was also advised that the investigation had been authorized by the U. S. Environmental Protection Agency (EPA), Region III, Philadelphia, PA, and that his participation was voluntary. Mr. Grabill informed Mr. CRAWFORD that no information protected by attorney/client privilege would be sought. Mr. CRAWFORD agreed to be interviewed and stated that he would be willing to review this statement and, after reviewing it for accuracy, sign the statement. He then provided the following information:

Mr. CRAWFORD stated that he has been the supervisor of Welding and Raw Material for twenty-five years including the period from 1969 to 1977. He stated that he is not now involved in waste disposal and was not involved during the pertinent period. He felt that ROBERT SHERMAN, Engineering, and WALT FOGEL, Maintenance Supervisor, may have had knowledge of waste disposal; but both are now deceased.

Mr. CRAWFORD stated that the name DeWeal Chemical Company was familiar to him since a company with the name DeWeal hauled spent lubricants in 30 and 55-gallon drums. He did not recall what types of lubricants were involved, but he did recall seeing other employees fill the drums. The accumulation of drums prior to pick-up was small, probably fewer than a dozen. Mr. CRAWFORD did not recall the frequency of pick-ups or the period of time that DeWeal hauled out the drums, but he did remember that it was sometime during the period 1969 to 1977.

Mr. CRAWFORD stated that he had no knowledge of other wastes being hauled by DeWeal and, in fact, was not familiar with the waste streams generated by the manufacturing process.

Mr. CRAWFORD advised that he had no contact with any of the drivers or

Interviewed by Jay E. Crawford On 2/3/93 JMA File # 90-130
Interviewed by Richard C. Grabill Case File # CON Work Asgmt. # C03052

employees of DeSaul. He did not recognize the names HARVEY DEKREVAL; MORRIS DEKREVAL; JONATHAN DUKIN; KAREN DEAN; Revere Chemical Company; Revere Chemical Transport; Echo, Inc.; or any of the other names set forth on page 3, paragraph 5 of EPA 104(e) letter dated September 30, 1992.

Mr. CRAWFORD he could not think of any other employees who would have been familiar with waste disposal during the pertinent period. He could provide no further information of value, and the interview was terminated.

STATEMENT OF JAY E. CRAWFORD:

I, Jay E. Crawford, have read the above statement; and it is true and accurate to the best of my recollection. I have voluntarily signed this page and have initialed all corrections and each of the above pages to attest to the accuracy of this statement. No threats or promises have been made to me, and no coercion of any kind has been used to make me sign this statement.

Date: _____ Signature: _____

Overhead Farm Site
Crawford, Jay E.
Page 1

EXHIBIT D

Thomas M. Curran

December 2, 2004

Page 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PENNSYLVANIA

CIVIL ACTION NO.

02-CV-3830

BOARHEAD FARM AGREEMENT GROUP,
Plaintiff,

Judge Legrome D. Davis

Oral Deposition of:

vs.

Thomas M. Curran

ADVANCED ENVIRONMENTAL TECHNOLOGY
CORPORATION; ASHLAND CHEMICAL
COMPANY; BOARHEAD CORPORATION;
CARPENTER TECHNOLOGY CORPORATION;
CROWN METRO, INC.; DIAZ CHEMICAL
CORPORATION; EMHART INDUSTRIES,
INC.; ETCHED CIRCUITS, INC.; FCG,
INC.; GLOBE DISPOSAL COMPANY, INC.;
GLOBE-WASTECH, INC.; HANDY & HARMAN
TUBE COMPANY, INC.; KNOLL, INC.;
MERIT METAL PRODUCTS CORPORATION;
NOVARTIS CORPORATION; NRM INVESTMENT
COMPANY; PLYMOUTH TUBE COMPANY;
QUIKLINE DESIGN AND MANUFACTURING
COMPANY; RAHNS SPECIALTY METALS,
INC.; ROHM & HAAS COMPANY, SIMON
WRECKING COMPANY, INC.; TECHALLOY
COMPANY, INC.; THOMAS & BETTS
CORPORATION; UNISYS CORPORATION;
UNITED STATES OF AMERICA
DEPARTMENT OF NAVY,
Defendants.

* * * * *
Thursday, December 2, 2004
* * * * *

Transcript in the above matter taken at
the offices of Ballard, Spahr, Andrews & Ingersoll,
LLP, 1735 Market Street, 42nd Floor, Philadelphia,
Pennsylvania, commencing at 10:00 a.m.

Certified Shorthand Reporting Services

Arranged Through

Mastroianni & Formaroli, Inc.

709 White Horse Pike

Audubon, New Jersey 08106

(856) 546-1100

Thomas M. Curran

December 2, 2004

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Page 2

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OBJECTIONS

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WITNESS INDEX

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Examination of Mr. Curran

By Mr. Davies: Page 5

By Mr. Fackenthal: Page 99

EXHIBITS

EXHIBIT INDEX

Appears at the conclusion of this Transcript

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1 (THOMAS M. CURRAN, having been duly
 2 sworn, was examined and testified as follows:)
 3 (EXAMINATION OF MR. CURRAN BY MR. DAVIES:)

4 Q. Mr. Curran, thanks for coming here.

5 Will you state your name, for the
 6 record, please?

7 A. Thomas Curran.

8 Q. And that's C-u-r-r-a-n?

9 A. That's right.

10 Q. Have you been deposed before?

11 A. No, I have not.

12 Q. I'll just go over briefly sort of the

13 rules of the road and if you ever have any questions
 14 about what I'm telling you now or in the future,
 15 please just ask.

16 This is formal in a way but also
 17 informal, we're really just talking. So first your
 18 testimony today is sworn testimony, which means the
 19 answers you give are under oath, have the same weight
 20 as if you were in court. Please make sure because we
 21 have the reporter taking down whatever everyone says
 22 that your answers are verbal. If you nod your head
 23 she can't take that down or if you just sort of give
 24 an um-hum. It's clearer to have a yes or no.

25 A. I understand.

2 (Pages 2 to 5)

Thomas M. Curran

December 2, 2004

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1 Yeah, that --
 2 MR. AGNELLO: Wait. Let's get a period
 3 here.
 4 BY MR. DAVIES:
 5 Q. Let's start with the early, mid-'70s.
 6 A. I don't know who they were using during
 7 that period.
 8 Q. How about the late 1970s?
 9 A. We used Chemclene. I can remember from
 10 like the 1983, '84 period on we were using Chemclene
 11 at that point.
 12 Q. Do you recall the name DeRewal?
 13 A. I've heard of the name DeRewal simply
 14 because the EPA when they -- somebody interviewed me
 15 and brought up that same name, I could not recall it
 16 and I don't think -- I don't know whether any of our
 17 other people did or not, but I don't know the name.
 18 I just -- I don't know, you know, again what period
 19 it was in, I guess I'm going to be embarrassed if
 20 that name was somebody we were using after I sort of
 21 took over. I don't recall that name though.
 22 Q. Now, let me just be clear, when you were
 23 interviewed before by EPA, did you recall the name
 24 DeRewal at that time?
 25 (Objection) MR. AGNELLO: Objection. Just

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1 clarification, when was he interviewed?
 2 MR. DAVIES: Well, he mentioned a
 3 moment ago that he was interviewed by EPA and asked
 4 about the name DeRewal.
 5 MR. AGNELLO: So your question is at
 6 the time of that interview, whenever that was, does
 7 he recall today whether he remembered the name
 8 DeRewal at that time?
 9 MR. DAVIES: At that time.
 10 MR. AGNELLO: Okay.
 11 THE WITNESS: I kind of remember the
 12 year of the interview but it seemed to me it was in
 13 the early '90s some point.
 14 BY MR. DAVIES:
 15 Q. I think I have it here. But aside from
 16 the year.
 17 A. Anyway, they asked me about the name, I
 18 said I could not recall it. But I don't, you know, I
 19 don't remember, if we did have them, I don't remember
 20 anything about them. And I wouldn't expect myself to
 21 remember unless it was like after '84.
 22 MR. DAVIES: Why don't I mark, this is
 23 I guess a transcript of the interview. Maybe not
 24 transcript, a summary and just make it Curran-2.
 25 (Exhibit Curran-2, 2-page Summary Interview of

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1 Thomas M. Curran on 2/5/93, marked for I.D.)
 2 MR. AGNELLO: Just for the record for
 3 purposes of identification, Curran-2 is a two-page
 4 document has the number A-3 and A-4 on the bottom and
 5 first and second page, it's an unsigned document
 6 looks like it was prepared by someone from Hemenway
 7 Associates regarding an interview of Mr. Curran
 8 allegedly.
 9 THE WITNESS: Is this what we're going
 10 to read now?
 11 MR. AGNELLO: He's going to show you
 12 it. I just wanted to clarify the description.
 13 BY MR. DAVIES:
 14 Q. This is Curran-2, take a moment to look
 15 at it, looks like it's February 5th, 1993 interview
 16 that it's referencing.
 17 MR. AGNELLO: Wait a minute, there's no
 18 question.
 19 BY MR. DAVIES:
 20 Q. Are you done reading it?
 21 A. Yes.
 22 Q. Now, this document Curran-2 seems to
 23 indicate that the interviewer was named Richard
 24 Grabill. Do you remember speaking with Mr. Grabill?
 25 A. Vaguely.

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1 Q. And does the time frame here February
 2 5th, 1993, does that appear to be about the same time
 3 frame you recalled before when you mentioned you were
 4 interviewed by an EPA person?
 5 A. Yes.
 6 Q. Now, on the second page towards the
 7 bottom it mentions Mr. Curran stated that while the
 8 name DeRewal was familiar to him he did not recognize
 9 the names DeRewal Chemical Company, et cetera. Does
 10 that seem accurate to you?
 11 MR. AGNELLO: Again, just so that we're
 12 clear, accurate of his recollection today of what was
 13 said or accurate -- yeah, accurate today of what he
 14 said at the time?
 15 MR. DAVIES: Absolutely.
 16 THE WITNESS: Yes.
 17 BY MR. DAVIES:
 18 Q. I also see that it mentions the name
 19 Robert Becker as a purchasing agent possibly in 1972
 20 or 1973.
 21 MR. AGNELLO: What paragraph is that?
 22 MR. DAVIES: We're on the first page,
 23 the third paragraph.
 24 THE WITNESS: Um-hum.
 25 BY MR. DAVIES:

16 (Pages 58 to 61)

Thomas M. Curran

December 2, 2004

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1 Q. Does that seem like the right time frame
2 for Robert Becker as the purchasing agent?

3 A. It does.

4 Q. Now, do you recall who was purchasing
5 agent before Mr. Becker?

6 A. The only name I can come up with is Joe
7 McCarron. I gave you that earlier.

8 Q. Right. And you just mentioned that
9 there might have been a person in between?

10 A. There might have been but I don't
11 remember.

12 Q. I was just fishing for that, you never
13 know.

14 This document also references that you
15 were shown, let me see where that is, you were shown
16 an invoice number -- dated 2/5/73. The 20-year
17 anniversary of the interview.

18 Why don't I just show it to you.
19 Actually I'll have it marked first then I'll ask you
20 a question.

21 A. Okay.

22 MR. DAVIES: Mark that Curran-3.

23 (Exhibit Curran-3, 1-page copy of Invoice dated
24 2/5/73, marked for I.D.)

25 BY MR. DAVIES:

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1 anything about that? You can't put -- you can't do
2 that, you just can't do that. He never saw the
3 document so now you're asking him to interpret the
4 document that he never saw before as to whether that
5 means something, can't do it. Just can't do that,
6 Marc. You can ask him other questions but you
7 certainly can't do that because he's told you he
8 never saw the document and quite frankly it's
9 consistent with what this person, whoever this was,
10 wrote on this piece of paper that you've marked
11 Curran-2 that was never signed by Mr. Curran, so.

12 MR. DAVIES: The objection is that that
13 was never signed by Mr. Curran?

14 MR. AGNELLO: No. The objection is
15 he's testified that he never saw the document. And
16 you're now asking him whether or not some reference
17 in that document refers to something he's testified
18 to earlier in the deposition and I'm saying to you
19 that if he never saw the document, how can he tell
20 you what anything in that document references?

21 BY MR. DAVIES:

22 Q. All right, in 1973, do you recall --
23 let's say the early 1970s, do you recall whether you
24 were involved with the two-week shutdowns that
25 occurred at the facility?

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1 Q. I'll show you Curran-3, which is the
2 February 5th, 1973 invoice reference. Take a look at
3 that, let me know if you recognize it?

4 A. I'm --

5 MR. AGNELLO: I'm sorry, your question
6 was whether he --

7 MR. DAVIES: Whether he recognizes the
8 document.

9 THE WITNESS: Does that question mean
10 have I seen this before?

11 BY MR. DAVIES:

12 Q. Yes.

13 A. The answer is yes.

14 Q. And other than the 1993 interview with
15 EPA, do you recall whether you had seen that document
16 before?

17 A. I had not.

18 Q. If you could just look in the middle of
19 the document it talks about 55-gallon drums and
20 30-gallon drums of industrial waste solution, do you
21 know whether that's the same solution that we were
22 discussing earlier when we talked about industrial
23 waste solution?

24 (Objection) MR. AGNELLO: Objection as to form. He
25 never saw the document before so how would he know

Page 65

1 A. I could not say that specifically.

2 Q. Okay. Now, a couple minutes ago we were
3 talking about, I was asking about what industrial
4 waste solution was and you indicated that it was a
5 solution generated during the cleaning of machines,
6 et cetera, that happened during this two-week
7 shutdown. Do you recall about how much material
8 would be generated during these shutdowns?

9 MR. AGNELLO: Do you want to put a time
10 frame on that?

11 BY MR. DAVIES:

12 Q. Let's start with early, mid-1970s.

13 MR. AGNELLO: Again just because he
14 said he wasn't involved in '73.

15 MR. DAVIES: Well, he, I'm not sure he
16 said he wasn't involved. He said he wasn't sure
17 exactly so I'm asking early to mid-1970s. As far
18 back as you can recall.

19 MR. AGNELLO: If you know.

20 THE WITNESS: Would you state the
21 question again?

22 BY MR. DAVIES:

23 Q. Sure.

24 As far back as you can recall, I'm
25 asking for the volume of industrial waste solution

17 (Pages 62 to 65)

C E R T I F I C A T E

I, Cynthia A. Cormaney, a Notary Public and Certified Shorthand Reporter of the State of New Jersey and a Commissioner of Deeds of the State of Pennsylvania, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I do further certify that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel and that I am not financially interested in this action.

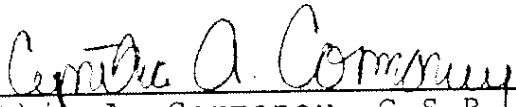

Cynthia A. Cormaney, C.S.R.
Notary Public, State of New Jersey
My Commission Expires July 24, 2006
Certificate No. XI01116

EXHIBIT E

CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI, STEWART & OLSTEIN, P.C.

COUNSELLORS AT LAW

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JAN ALAN BRODY
JOHN M. AGNELLO
CHARLES M. CARELLA
JAMES E. CECCHI

JAMES T. BYERS
DONALD F. MICELI
A. RICHARD ROSS
KENNETH L. WINTERS
JEFFREY A. COOPER
CARL R. WOODWARD, III
NABIL N. KASSEM
MELISSA E. FLAX
DENNIS F. GLEASON
DAVID G. GILFILLAN
G. GLENNON TROUBLEFIELD
BRIAN H. FENLON
KHOREN BANDAZIAN
THOMAS P. MONAHAN, JR.*

*CERTIFIED BY THE SUPREME COURT
OF NJ AS A CIVIL TRIAL ATTORNEY

RICHARD K. MATANLE, II
DONALD S. BROOKS
RAYMOND R. SIBERINE
FRANCIS C. HAND
AVRAM S. EULE
LINDSEY H. TAYLOR
ROBERT I. HALPERN^o
RAYMOND W. FISHER
DAVID J. REICH
OF COUNSEL

RAYMOND J. LILLIE
WILLIAM SQUIRE
ROBERT P. DONOVAN
ALAN J. GRANT^o
MICHAEL P. PASQUALE
LAURA S. MUNZER
MARC D. MICELI
RAYMOND E. STAUFFER^o
KERRIE R. HESLIN
ROBERT C. SCRIVO
JACOB A. KUBERT
^oMEMBER N.Y. BAR ONLY

January 17, 2005

Via Facsimile

Ballard, Spahr, Andrews & Ingersoll
1735 Market Street
51st Floor
Philadelphia, Pennsylvania 19103
Attn.: Marc E. Davies, Esq.

**RE: Boarhead Farm Agreement Group v. Advanced
Environmental Technology Corporation, et al.
Case No. 02-03830 (LDD)
File No. 300580-21**

Dear Mr. Davies:

In response to your request for the deposition of Jay Crawford, our client's records disclose that Mr. Crawford died in October 2002.

Very truly yours,

CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN


MELISSA E. FLAX

MEF

Cc: All counsel of record

EXHIBIT F

DEP-RECEIVED
SOUTHEAST REGION
AUG 10 1993

SITE INVESTIGATION

Handy & Harman Tube Co., Inc.

Norristown, Montgomery County, Pennsylvania

Prepared for:

**Handy & Harman Tube Co., Inc.
Township Line and Whitehall Road
Norristown, Pennsylvania 19403**

Prepared by:

**RMC Environmental Services, Inc.
3450 Schuylkill Road
Spring City, Pennsylvania 19475
(215)948-4700**

RMC Project No. 04307

September 1992



3.0 FINDINGS AND DISCUSSION

3.1 Soils Investigation

Soil boring locations are shown in Figure 1. A summary table of field screening results and laboratory analyses is included in Table 1. Detailed boring logs are included in Appendix A.

The lithology of the soils and bedrock at the site is fairly consistent with regard to the composition of materials. Typically, the upper layer consists of surficial gravel/asphalt/top soil, which ranges from 0 to approximately 3'. This overlies an orange and gray sometimes green clay. The clay ranges from approximately 1' on the western edge of the study area to approximately 9' on the eastern edge of the study area. The clay overlies weathered bedrock. The weathered zone extends from as shallow as 3.5' in the grassy area behind the parking lot (western side) to as deep as 12.2' in the gravel driveway behind the facility (eastern side). This weathered zone overlies competent bedrock.

Five borings, B4, B13, B6, B22 and B18 were advanced to competent bedrock. Depths at which auger refusal occurred were 12.3', 9.8', 8.1', 5.5' and 7' respectively.

The analytical results of the soil investigation indicate that contamination exists in the weathered rock above the bedrock surface at several distinct locations. In the event that field screening did not detect the presence of volatile organics, the deepest sample collected was submitted for laboratory analysis. Chlorinated solvents such as TCE are denser than water, once released into the soil, they tend to sink until they encounter a relatively impermeable barrier. The bedrock at the site is known to have low permeability, therefore it is very likely that spilled solvents would infiltrate downward, pool on top of the bedrock surface, and migrate laterally. In the event that this mode of contaminant transport is occurring at the site, soil samples collected near the bedrock interface would be able to detect it.

Review of the analytical findings indicate three areas of concern, the former cistern, the former parking lot (now covered by the eastern edge of the building), and the current parking lot area.

- Cistern area - One target of the investigation was an old cistern which is believed to be located off the northwest corner of the building. If solvents had been inadvertently disposed of in the cistern, it is highly probable that the solvents would impact soils and groundwater. Three soil borings, B10, B11, and B12 detected concentrations of TCE ranging from 26 ppb in B10 to 4700 ppb in B11. The depth of soil and weathered bedrock is relatively deep at this location, being approximately 10 feet. Field screening also detected volatile organic content throughout the soil profile in B10 and B11 and at shallow and deep levels in B12. Adjacent soil borings B3, B7, B8, and B9 showed no detectable concentrations of solvents at any depth. These results indicate that the cistern is a likely source of groundwater contamination, but sufficient fracturing of the bedrock is present which allows the contamination to sink into the bedrock rather than migrating laterally on top of it.

Former Parking Lot - A former parking lot, which now has been covered over by the expansion of the manufacturing facility, was identified as a potential source of solvent contamination. Lubricants and waste oils that contained solvents had been used for dust control in this area. This area was also the site of the fill pipe for the bulk TCE storage vessels. In addition, it was reported that TCE was used to clean parts on the old lot. To determine if significant contamination exists in this area, borings B17, B18, and B19 were installed in Township Line Road. The present building and underground utilities prevented locating the borings closer to the old lot. Sample numbers B17, B18 and B19 showed concentrations of 38 ppb, 16 ppb and 36 ppb respectively. The contamination at this area was also found in the weathered rock zone which in this case ranged from 5.5' to 7.4'. Mild contamination was detected throughout the soil profile in B17. Mild contamination was only detected in the deep samples above the bedrock surface in B18 and B19. These results indicate that the parking area may be a significant contributor to the groundwater contamination present at the site, but that significant quantities of solvents are not migrating from this area on top of the bedrock surface.

Current Parking Lot - Soil borings were installed in the current parking lot and the grassed area to the east of it to aid in determining the path of contaminant travel from suspected sources in the plant vicinity to the stream. Of the six borings installed in this area, B15 and B21 detected no contamination with either field screening or laboratory analysis. Laboratory analysis detected low levels of contamination in deep samples collected from B20, B22 and B23. These results indicate that the TCE that is present in the stream is not traveling on top of the bedrock surface. If it was, the soil sample results would be much higher. These low levels of contamination may be the result of groundwater contamination. Soil boring B13 did detect low to moderate levels of contamination throughout the soil profile. This is likely to be an indication that some dumping of solvents has occurred in the area east of Township Line Road.

3.2 Streambed Piezometers

The results of the piezometer samples indicated the presence of TCE at several locations along the stream bed. Figure 3 depicts the location and concentrations of the samples. There were two locations, P-2 and P-5, where high concentrations of TCE, 3500 ppb and 3300 ppb respectively, were detected. The remainder of the samples ranged from "not detected" in P-4 to 100 ppb in P-8.

The series of water level measurements obtained during the study were used to evaluate the hydrology of the stream. Water level measurements taken on two occasions, 15 July 1992 and 3 and 4 August 1992, are summarized in Appendix B.

EXHIBIT G

REPORT OF EXPERT WITNESS

BOARHEAD FARM AGREEMENT GROUP V. ADVANCED ENVIRONMENTAL TECHNOLOGY CORPORATION, ET AL.

Submitted by Jurgen H. Exner, Ph.D.

**JHE Technology Systems, Inc.
2 Waverly Ct.
Alamo, CA 94507**

June 29, 2006

1. SUMMARY OF BASIS OF OPINION

The following opinions are based upon my professional experience, described in detail in section 5, in the fields of chemistry, process development, hazardous waste production, waste management, and hazardous waste site investigation and remediation. In addition, documents referenced in section 3 were used in developing these opinions.

2. STATEMENT AND BASIS OF OPINIONS

I have reviewed the cited documents describing manufacturing processes and chemicals used by the companies described below. I have used the information and my experience to identify the types of wastes that were generated by the companies' manufacturing processes and to estimate the approximate composition of the waste streams.

Chemical wastes generally arise during the following operations:

- Chemical reaction
- Hydrolysis or neutralization of the reaction mixture
- Product purification by crystallization, decolorization, clarification, precipitation, distillation, or extraction
- Separation of solids by filtration
- Separation of liquids by phase separation, distillation, or steam stripping
- Drying, blending, and formulating
- Spills, leaks, and equipment cleaning

The companies processing steel and those manufacturing metal parts and printed circuit boards used specific processes that generated wastes from acid pickling and plating. These operations also generated rinsate wastes, spills, spent reagent baths, and sludges. Lubrication of metals and degreasing also formed residual oil and grease wastes and chemical wastes containing solvents such as trichloroethylene (TCE) consistent with the specific process.

SIGNATURE

As discovery in the litigation continues, I reserve the right to modify and/or supplement this opinion based on new information that becomes available. I am being paid \$ 175/hour and \$ 350/hour for testimony.



Jurgen H. Exner, Ph.D.

3. DOCUMENTS RELIED UPON IN THIS OPINION

References shown within opinion.

"The Merck Index," 7th Edition, 1960, 11th Edition, 1989, Merck & Co., Inc., Rahway, NJ.

Vershueren, K., "Handbook of Environmental Data on Organic Chemicals," Van Nostrand Reinhold, New York, NY, 1983.

Hodgman, C.D., ed., "CRC Handbook of Chemistry and Physics, 40th Ed., Chemical Rubber Publishing Co., Cleveland, OH, 1958.

Noller, C.R., "Chemistry of Organic Compounds," 2nd ed., W.B. Saunders Co., Philadelphia, p. 672-705(1957).

Documents received from attorneys:

Handy & Harman Tube Company

Curran, T.M., Deposition, 12/2/2004; Curran Exhibit 4

Invoice, DeRewal Chemical Company to Handy & Harman Tube Company, 2/5/73

Rees, L., Deposition 11/18/2004

DeRewal, M. T. Sr., Deposition 5//2003

USEPA Region III, 2/24/2004, Re: Freedom of Information Request, letter to M.B. Moore

Grabbill, R.C., interview of T.M. Curran, 2/12/93

Grabbill, R.C., interview of M.A. Kollmar, 2/13/93

Grabbill, R.C., interview of J.M. Crawford, 2/12/93

Curran, T.M., 1/7/93, Supplemental Information Submission to USEPA

RMC Environmental Services, Inc., 9/2002, Site Investigation, Handy&Harman Tube Co., p.6,10

Flax, M.E., 9/16/2004, Response to Interrogatories to G. A. Harris

Merit Metal Product Corporation

Wills, A.W., 2/1/1971, Waste Inspection Report, re. Industrial Wastes, Merit Metal Products Corporation

EXHIBIT H

CONDENSED TRANSCRIPT

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AGERE SYSTEMS, INC., CYTEC
INDUSTRIES, INC., FORD MOTOR
COMPANY, SPS TECHNOLOGIES, LLC,
and TI GROUP AUTOMOTIVE
SYSTEMS, LLC
Plaintiffs

v

CIVIL ACTION NO.
02-CV-3830 (LDD)

ADVANCED ENVIRONMENTAL
TECHNOLOGY CORPORATION, ET AL.
Defendants

Oral deposition of JURGEN
H. EXNER, Ph.D., taken at the law
offices of Ballard Spahr Andrews &
Ingersoll, LLP, 1735 Market Street,
42nd Floor, Philadelphia,
Pennsylvania, on Tuesday, January 9,
2007, at 10:07 a.m., before Jennifer
Bermudez, a Registered Professional
Reporter, and Notary Public, pursuant
to notice.



James DeCrescenzo Reporting, LLC

215.564.3905
PHONE

INNOVATING LITIGATION
1880 JFK Blvd., 6th Floor • Philadelphia, PA 19103
www.jdreporting.com

215.751.0581
FAX

DEPOSITION OF JURGEN H. EXNER, Ph.D., 1/9/07

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10 **Attorney for Plaintiffs**

11 **WOLFF & SAMSON, P.C.**

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14 **The Offices at Crystal Lake**
15 **One Boland Drive**
16 **West Orange, New Jersey 07052**
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DEPOSITION OF JURGEN H. EXNER, Ph.D., 1/9/07

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8 973-994-1700
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10 Company

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DEPOSITION OF JURGEN H. EXNER, Ph.D., 1/9/07

1 Exner 1 in the paragraph following
2 the numbered paragraphs that begins
3 Small Amounts -- do you see where I
4 am?

5 A. Yes.

6 Q. -- the third sentence
7 reads, "TCE was also disposed of in a
8 cistern, and lubricating and waste
9 oils were used for dust control on a
10 former parking lot."

11 And my question to you is,
12 the report that you cite to, did the
13 report contain that exact language?

14 A. This is probably an
15 abstraction of what that report
16 included.

17 (Exner Exhibit 4 was marked
18 for identification.)

19 BY MS. FLAX:

20 Q. Dr. Exner, I'm going to
21 show you what's been marked Exner 4
22 and ask you if you can identify that?

23 A. It's two pages of a site
24 investigation report that is



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DEPOSITION OF JURGEN H. EXNER, Ph.D., 1/9/07

1 referenced here.

2 Q. Dr. Exner, did you ever
3 have a complete copy of Exner 4,
4 which is entitled Site Investigation,
5 Handy & Harman Tube Co, Inc.,
6 Norristown, Montgomery County,
7 Pennsylvania, and it's dated
8 September 1992?

9 A. No.

10 Q. Do you know where you
11 obtained the cover page and two pages
12 of this report?

13 A. They were sent to me.

14 Q. And by whom was it sent to
15 you?

16 A. By Ballard Spahr.

17 Q. Could you tell me where on
18 Exner 4 your statement "TCE was also
19 disposed of in a cistern" is
20 supported.

21 A. On Page 6, Cistern Area,
22 three soil borings detected
23 concentrations of TCE ranging from 26
24 parts per billion to 4,700 parts per



James DeCrescenzo Reporting, LLC

215.564.3905

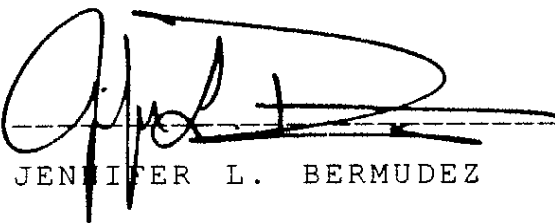
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FAX 215.751.0581

CERTIFICATION

I, JENNIFER L. BERMUDEZ, a Court Reporter in and for the Commonwealth of Pennsylvania, hereby certify that the foregoing is a true and accurate transcript of the deposition of said witness who was first duly sworn by me on the date and place hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney nor counsel for, nor related to or employed by, any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.



JENNIFER L. BERMUDEZ

Court Reporter and Notary Public



James DeCrescenzo Reporting, LLC

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EXHIBIT I

Melissa Flax

From: Melissa Flax
Sent: Sunday, January 07, 2007 2:17 PM
To: harrisg@ballardspahr.com
Cc: 'Trojecki, Amy M. (VH)'
Subject: Agere v. AETC
Importance: High

Glenn,

I received Exner's file on 1/4/07. There is one document that I have not previously seen as being included in the repository, that Exner considered and that was not included on the CD. This document is the RMC Environmental Services, Inc. 9/2002 Site Investigation. Please provide me with a copy of this document tomorrow so that I have it before Exner's deposition on Tuesday. Thank you.

Melissa E. Flax, Esq.
Carella, Byrne, Bain, Gilfillan,
Cecchi, Stewart & Olstein
5 Becker Farm Road
Roseland, New Jersey 07068
(973) 994-1700
(973) 994-1744 - fax
mflax@carellabyrne.com

CONFIDENTIALITY NOTE: The documents accompanying this transmission contain information from the law firm of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, which is confidential and/or legally privileged. The information contained in this email is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If the one receiving it is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this email in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at once. Thank you.

1/7/2007

EXHIBIT J

Melissa Flax

From: Melissa Flax
Sent: Wednesday, January 10, 2007 10:02 AM
To: harrisg@ballardspahr.com
Cc: Andrew Foster; Edward Fackenthal; Jeff Pettit; Lynn Wright; Richard Biedrzycki; Seth Cooley; Tom Sabino
Subject: Agere v. AETC

Glenn,

As a follow up to the deposition of Jurgen Exner, as requested during the deposition, please have Dr. Exner provide me with a citation to support his statement on page 11 of his report which reads as follows: "These occasionally entered the general plant streams but were generally disposed in 30-gal drums."

Additionally, please provide me with copies (or Bates stamped numbers) of the following documents listed on the 6/28/06 email that you produced yesterday:

Letter from United States Environmental Protection, Region III re: Freedom of Information Act Request 03-RIN-00363-00 dated February 24, 2000.

Handy & Harman Tube Co. letter to Ms. Joan E. Martin-Banks re: Supplemental Information Submission - Boarhead Farms Site dated January 7, 1993.

Please confirm that you do not have a complete copy of the Site Investigation Report dated September 1992. If you do have a complete copy, I reiterate my January 7 request for a complete copy of the report.

Thank you.

Melissa E. Flax, Esq.
Carella, Byrne, Bain, Gilfillan,
Cecchi, Stewart & Olstein
5 Becker Farm Road
Roseland, New Jersey 07068
(973) 994-1700
(973) 994-1744 - fax
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1/10/2007

EXHIBIT K

Melissa Flax

From: Harris, Glenn A. (VH) [HarrisG@ballardspahr.com]
Sent: Saturday, January 13, 2007 1:22 PM
To: Melissa Flax
Cc: Andrew Foster; Edward Fackenthal; Jeff Pettit; Lynn Wright; Richard Biedrzycki; Seth Cooley; Tom Sabino
Subject: RE: Agere v. AETC

Melissa,

The 2/24/00 letter in the 6/28 email is the FOIA response listed in Dr. Exner's report. The H&H letter to Martin Banks in the email is the 1/7/93 "Curran, T.M." document listed in the report. If you still need copies of either, let me know.

We have been unable to locate anything other than the pages provided to Dr. Exner from the 9/92 report. As it is your client's document, perhaps you can provide a complete copy to Plaintiffs.

I have asked Dr. Exner for the reference to the quotation on Page 11. I will provide it when received.

Regards,

Glenn

Glenn A. Harris, Esq.
Ballard Spahr Andrews & Ingersoll, LLP
856-761-3440
harrisg@ballardspahr.com

From: Melissa Flax [mailto:MFlax@carellabyme.com]
Sent: Wednesday, January 10, 2007 10:02 AM
To: Harris, Glenn A. (VH)
Cc: Andrew Foster; Edward Fackenthal; Jeff Pettit; Lynn Wright; Richard Biedrzycki; Seth Cooley; Tom Sabino
Subject: Agere v. AETC

Glenn,

As a follow up to the deposition of Jurgen Exner, as requested during the deposition, please have Dr. Exner provide me with a citation to support his statement on page 11 of his report which reads as follows: "These occasionally entered the general plant streams but were generally disposed in 30-gal drums."

Additionally, please provide me with copies (or Bates stamped numbers) of the following documents listed on the 6/28/06 email that you produced yesterday:

Letter from United States Environmental Protection, Region III re: Freedom of Information Act Request 03-RIN-00363-00 dated February 24, 2000.

Handy & Harman Tube Co. letter to Ms. Joan E. Martin-Banks re: Supplemental Information Submission - Boarhead Farms Site dated January 7, 1993.

1/15/2007

Please confirm that you do not have a complete copy of the Site Investigation Report dated September 1992. If you do have a complete copy, I reiterate my January 7 request for a complete copy of the report.

Thank you.

Melissa E. Flax, Esq.
Carella, Byrne, Bain, Gilfillan,
Cecchi, Stewart & Olstein
5 Becker Farm Road
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(973) 994-1700
(973) 994-1744 - fax
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1/15/2007

EXHIBIT L

EXHIBIT M

Larry Rees

November 18, 2004

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 _____ CIVIL ACTION NO.
4 02-CV-3830

5 Boarhead Farm Agreement Group,

6 Plaintiff,

Oral Deposition of

7 vs.

Larry Rees

8 Advanced Environmental
9 Technology Corporation;
10 Ashland Chemical Company;
11 Boarhead Corporation;
12 Carpenter Technology
13 Corporation; Crown Metro,
14 Inc.; Diaz Chemical Corporation;
15 Emhart Industries, Inc.; Globe
16 Disposal Company, Inc.;
17 Globe-Wastech, Inc.; Handy &
18 Harman Tube Company, Inc.;
19 Knoll, Inc.; Merit Metal
20 Products Corporation; Novartis
21 Corporation; NRM Investment
22 Company; Plymouth Tube Company;
23 Quikline Design and Manufacturing
24 Company; Rahns Specialty Metals,
25 Inc.; Rohm & Haas Company; Simon
Wrecking Company, Inc.; Techalloy
Company, Inc.; Thomas & Betts
Corporation; Unisys Corporation;
United States of America
Department of Navy,

Defendants.

20 _____
21
22
23 Certified Shorthand Reporting Services
24 arranged through
25 Mastroianni & Formaroli, Inc.
709 White Horse Pike
Audubon, New Jersey 08106
(856) 546-1100

Larry Rees

November 18, 2004

Page 2

Thursday, November 18, 2004

Transcript in the above matter taken at
the offices of Ballard, Spahr, Andrews & Ingersoll,
Esquires, 1735 Market Street, Philadelphia,
Pennsylvania, commencing at 9:30 a.m.

APPEARANCES:

BALLARD, SPAHR, ANDREWS & INGERSOLL, ESQUIRES
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- and -

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Handy & Harman Tube Company

Page 4

EXHIBITS

EXHIBITS ATTACHED TO THE END OF THIS TRANSCRIPT
EXHIBIT INDEX

Appears at the conclusion of the transcript

Page 3

WITNESS INDEX

Examination of Mr. Rees by Ms. Heidel:
Page 5

Page 5

(LARRY REES, having been duly sworn, was examined and
testified as follows:)

(EXAMINATION OF MR. REES BY MS. HEIDEL:)

Q. Hi, Mr. Rees. Thanks for coming in.

You understand today your testimony is
sworn testimony just like you would give in court.

Try to make your responses verbal, so
don't nod your head or anything because the court
reporter has to write down what you say.

And try to just have one person talk at
a time. If you need to interrupt, just take a moment
so that she doesn't have to worry about figuring out
who's talking at what point.

If you need me to repeat the question
or clarify, feel free. Or if your lawyer needs to
jump in, he'll do that.

I have to ask you have you taken any
medications in the last twenty-four hours that might
have effected your ability to testify?

A. No.

Q. Okay.

Okay. Can you state your name for the
record and spell your last name?

A. Larry Rees, R-E-E-S, as in Sam.

Q. Okay.

2 (Pages 2 to 5)

Larry Rees

November 18, 2004

Page 22

1 aware, did they arrange for the pick up of these
 2 waste drums?
 3 A. Don't know, that I don't know.
 4 Q. Okay.
 5 Are you aware of any companies that
 6 Handy & Harman uses to pick up waste?
 7 A. When?
 8 Q. Let's start from '75 to '84.
 9 A. No.
 10 Q. Okay.
 11 And then from '84 to the present are
 12 you aware of any vendors or companies that Handy &
 13 Harman uses to pick up waste?
 14 A. The only one I know of that they used
 15 was Safety Clean, and they're not even using them
 16 now, I don't know when they used them, they used them
 17 in the last five, ten years, but exactly when, I
 18 don't know.
 19 Q. Okay.
 20 During the time that you worked there
 21 was it ever your job to pick a waste hauler, to
 22 select a company?
 23 A. No.
 24 Q. Do you have any idea how much Handy &
 25 Harman paid for waste hauling?

Page 23

1 A. No idea.
 2 Q. Okay.
 3 So from, let's see, '75 until '84 are
 4 you aware of any records that Handy & Harman kept --
 5 A. No --
 6 Q. -- for waste --
 7 A. -- I wouldn't --
 8 MR. AGNELLO: You got to wait until she
 9 completes her question.
 10 THE WITNESS: I'm sorry.
 11 BY MS. HEIDEL:
 12 Q. -- for keeping track of how much waste
 13 is produced?
 14 A. No, I wouldn't have anything to do with
 15 that.
 16 Q. So you didn't -- did you ever collect
 17 records for how many barrels of the waste lubricants
 18 were produced from '79 to '84?
 19 A. No.
 20 Q. Are you familiar with a term industrial
 21 waste solution?
 22 Have you ever heard that term when you
 23 were working at Handy & Harman?
 24 A. No.
 25 Q. Let me show you a document --

Page 24

1 MS. HEIDEL: Can you mark it LR-2?
 2 MR. AGNELLO: Are you going to do this
 3 one LR-2?
 4 MS. HEIDEL: Do this LR-2 and LR-3.
 5 MR. AGNELLO: Only because I wrote it
 6 down already.
 7 (Exhibit LR-2, Diagram, is marked for
 8 identification.)
 9 (Exhibit LR-3, Invoice, is marked for
 10 identification.)
 11 BY MS. HEIDEL:
 12 Q. Just ask if you are familiar at all with
 13 that document?
 14 A. I've never seen it.
 15 Q. Okay.
 16 Is this company's name De Rewal
 17 Chemical, is that at all familiar to you, that name?
 18 A. Now?
 19 Q. Now, yes.
 20 A. No -- well, I've heard it in the course
 21 of answering questions, but I've never heard of --
 22 Q. Okay.
 23 Let's go back -- bear with me, I know
 24 it was a long time ago, when you first started
 25 in '75 can you tell me the names of people who were

Page 25

1 involved in the production process in your group in
 2 the small tubes department?
 3 A. Doug Willauer.
 4 Q. Can you spell that last name?
 5 A. W-I-L-L-A-U-E-R.
 6 Q. Okay.
 7 A. Let's see, Charlie Friday, they're both
 8 deceased, Andy Giovinco, G-I-O-V-I-N-C-O, Abe Kassel,
 9 that's about the only ones I remember.
 10 Q. Okay.
 11 What about when you were foreman
 12 from '79 to '84, can you tell me the names of people
 13 who you were supervising?
 14 A. Those guys, Fred Bleuit -- I don't know,
 15 it's a been a lot of years, I don't remember.
 16 Q. Okay.
 17 Was there any particular person that
 18 you were supervising who was responsible for handling
 19 the waste that was generated?
 20 A. What time period?
 21 Q. Sorry, from '79 to '84.
 22 A. No.
 23 Q. You said in the production process --
 24 let's look at this again.
 25 You mentioned part of the process was

7 (Pages 22 to 25)

C E R T I F I C A T E

I, Christi A. Argenbright, a Notary Public and Certified Shorthand Reporter of The State of New Jersey do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I do further certify that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel and that I am not financially interested in this action.

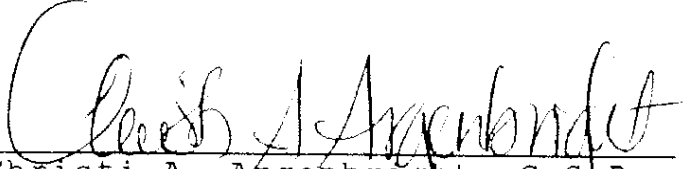

Christi A. Argenbright, C.S.R.
Notary Public, State of New Jersey
My commission expires October 16, 2005
Certificate No. XI01789

EXHIBIT N

Mary A. Kollmar

November 18, 2004

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 _____ CIVIL ACTION NO.
4 02-CV-3830

5 Boarhead Farm Agreement Group,

6 Plaintiff,

Oral Deposition of

7 vs.

Mary A. Kollmar

8 Advanced Environmental
9 Technology Corporation;
10 Ashland Chemical Company;
11 Boarhead Corporation;
12 Carpenter Technology
13 Corporation; Crown Metro,
14 Inc.; Diaz Chemical Corporation;
15 Emhart Industries, Inc.; Globe
16 Disposal Company, Inc.;
17 Globe-Wastech, Inc.; Handy &
18 Harman Tube Company, Inc.;
19 Knoll, Inc.; Merit Metal
20 Products Corporation; Novartis
21 Corporation; NRM Investment
22 Company; Plymouth Tube Company;
23 Quikline Design and Manufacturing
24 Company; Rahns Specialty Metals,
25 Inc.; Rohm & Haas Company; Simon
Wrecking Company, Inc.; Techalloy
Company, Inc.; Thomas & Betts
Corporation; Unisys Corporation;
United States of America
Department of Navy,

Defendants.

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24 Mastroianni & Formaroli, Inc.
25 709 White Horse Pike
Audubon, New Jersey 08106
(856) 546-1100

Mary A. Kollmar

November 18, 2004

Page 2

 Thursday, November 18, 2004

Transcript in the above matter taken at
 the offices of Ballard, Spahr, Andrews & Ingersoll,
 Esquires, 1735 Market Street, Philadelphia,
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 - and -

ANNE HEIDEL, ESQUIRE
 1735 MARKET STREET
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 Attorneys for the Plaintiff,
 BFAG

HINMAN, HOWARD & KATTELL, ESQUIRES
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 Attorneys for the Plaintiff,
 TI Automotive

CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI,
 STEWART & OLSTEIN, ESQUIRES
 BY: JOHN M. AGNELLO, ESQUIRE
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 (973) 994-1700
 Attorneys for the Defendant,
 Handy & Harman Tube Company

Page 4

EXHIBITS

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Appears at the conclusion of the transcript

Page 3

WITNESS INDEX

Examination of Ms. Kollmar by Mr. Davies:
 Page 5

Page 5

(MARY A. KOLLMAR, having been duly sworn, was
 examined and testified as follows:)

(EXAMINATION OF MS. KOLLMAR BY MR. DAVIES:)

Q. Okay.

Ms. Kollmar, could you state your name
 for the record, state and spell your name?

A. Mary A. Kollmar, last name is spelled
 K-O-L-L-M-A-R.

Q. Okay.

Have you ever been deposed before?

A. No.

Q. All right.

Well, I'll just briefly go over the
 outline of sort of how we do it, and if you ever have
 any questions for what I've said or later, please,
 just ask.

We have a reporter here, but it's a
 pretty informal thing, it's just like talking.

So, first, your testimony today is
 sworn testimony, so your answers are under oath and
 carry the same weight just like if you were in court.

Please make sure that all of your
 responses are verbal. The court reporter can't take
 down a head nod or if you say uh-huh or something
 like that, it's easier if you can give verbal

2 (Pages 2 to 5)

Mary A. Kollmar

November 18, 2004

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1 that was a term used?
 2 A. No.
 3 Q. Okay.
 4 MR. DAVIES: I think I'm going to mark
 5 that as MK-2.
 6 (Exhibit MK-2, Invoice, is marked for
 7 identification.)
 8 BY MR. DAVIES:
 9 Q. You're being handed a document which
 10 we've marked MK-2, just take a look at it for a
 11 moment, it appears to be an invoice from February 5,
 12 1973, actually, it says sold to Handy & Harman Tube
 13 Company.
 14 Are you familiar with this document?
 15 A. Only because Mr. Agnello showed me this
 16 document, other than that I have no familiarity with
 17 it.
 18 Q. Okay.
 19 Could you describe to me generally were
 20 you involved with invoices at all when you started at
 21 the company?
 22 A. No.
 23 Q. Okay.
 24 Do you recall if an invoice came in
 25 where it would go from those offices, who would take

Page 35

1 care of them?
 2 A. This office right next door to me.
 3 Q. Okay.
 4 Who was in that office? That's blank
 5 still.
 6 A. I honestly don't recall her name. She
 7 was only there for probably -- well, not even a year.
 8 I started in October and I believe she left in
 9 January. I don't remember her name.
 10 Q. Okay.
 11 Well, who was the next person that was
 12 there?
 13 A. Could possibly have been Marty Miller,
 14 but I don't know if -- I don't remember what year she
 15 started. There could have been someone else after --
 16 whoever this person was when I came.
 17 Q. Well, let's just make it for anywhere in
 18 the 1970's, do you recall anyone else that worked --
 19 A. Marty Miller, Tina Sampson.
 20 Q. And what was their job?
 21 What did they do?
 22 A. Marty Miller was the accounts payable,
 23 Tina was a -- I think she initially was a part-time
 24 employee, then she became full-time, and eventually
 25 took over accounts payable.

Page 36

1 Q. Is she still with the company?
 2 A. No.
 3 Q. Do you recall when she left?
 4 A. I would speculate '70's.
 5 Q. Okay.
 6 Let's see -- just give me one second.
 7 Are you familiar with the term RCRA or
 8 Resource Conservation Recovery Act?
 9 A. I've heard the term.
 10 Q. Do you remember -- I think it came into
 11 place around 1977, give or take, just to give you a
 12 time frame.
 13 Do you recall whether Handy & Harman
 14 had to create any records or do anything related to
 15 RCRA?
 16 A. I would suspect that because of that we
 17 made out specific manifests when waste was taken out
 18 of the building.
 19 Q. Okay.
 20 Do you know whether those manifests
 21 were kept -- are kept still?
 22 A. Are kept, in the engineering department.
 23 Q. And do you know who -- let's go back
 24 again towards the beginning -- well, towards '77 or
 25 so, do you know who was in the engineering department

Page 37

1 in the late '70's?
 2 A. Bob Zimmerman, Jack Schurr.
 3 Q. How do you spell that, do you know?
 4 A. S-C-H-U-R-R, I believe.
 5 Q. Okay.
 6 Do you recall whether they would have
 7 been the ones that prepared these waste manifests?
 8 (Objection) MR. AGNELLO: Objection to the form.
 9 You can answer.
 10 BY MR. DAVIES:
 11 Q. You can answer.
 12 MR. AGNELLO: Yeah, you can answer.
 13 THE WITNESS: Okay.
 14 Quite possibly it was Bob Zimmerman's
 15 secretary, Joan Stinson.
 16 BY MR. DAVIES:
 17 Q. Joan --
 18 A. Stinson.
 19 Q. Do you know does she still work at
 20 Handy & Harman?
 21 A. No.
 22 Q. Do you remember when she left?
 23 A. Early -- or late '90's.
 24 Q. Okay.
 25 I was going to ask you also about

10 (Pages 34 to 37)

C E R T I F I C A T E

I, Christi A. Argenbright, a Notary Public and Certified Shorthand Reporter of The State of New Jersey do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I do further certify that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel and that I am not financially interested in this action.

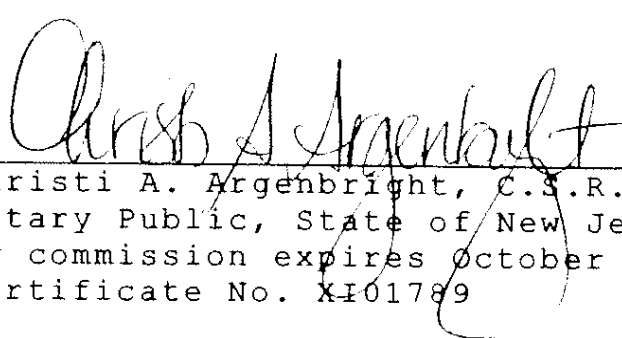

Christi A. Argenbright, C.S.R.
Notary Public, State of New Jersey
My commission expires October 16, 2005
Certificate No. X101789

EXHIBIT O

Thomas Bell

February 24, 2005

Page 1

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Civil Action No.
02-CV-3830

BOARHEAD FARM AGREEMENT
GROUP,

Plaintiff,

Oral Deposition of
THOMAS BELL

vs.

ADVANCED ENVIRONMENTAL TECHNOLOGY
CORPORATION; ASHLAND CHEMICAL
COMPANY; BOARHEAD CORPORATION;
CARPENTER TECHNOLOGY CORPORATION;
CROWN METRO, INC.; DIAZ CHEMICAL
CORPORATION; EMHART INDUSTRIES,
INC.; ETCHED CIRCUITS, INC.; FCG,
INC.; GLOBE DISPOSAL COMPANY, INC.;
GLOBE-WASTECH, INC.; HANDY & HARMAN
TUBE COMPANY, INC.; KNOLL, INC.;
MERIT METAL PRODUCTS CORPORATION;
NOVARTIS CORPORATION; NRM INVESTMENT
COMPANY; PLYMOUTH TUBE COMPANY;
QUIKLINE DESIGN AND MANUFACTURING
COMPANY; RAHNS SPECIALTY METALS,
INC.; ROHM & HAAS COMPANY, SIMON
WRECKING COMPANY, INC.; TECHALLOY
COMPANY, INC.; THOMAS & BETTS
CORPORATION; UNISYS CORPORATION;
UNITED STATES OF AMERICA DEPARTMENT
OF NAVY,

Defendants.

* * * * *

Thursday, February 24, 2005

* * * * *

Certified Shorthand Reporting Services
Arranged Through
Mastroianni & Formaroli, Inc.
709 White Horse Pike
Audubon, New Jersey 08106
(856) 546-1100

Thomas Bell

February 24, 2005

Page 2

Page 4

Transcript in the above matter taken at
the offices of Drinker, Biddle & Reath, Esquires,
1000 Westlakes Drive, Berwyn, Pennsylvania,
commencing at 10:00 A.M.

APPEARANCES:

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CECCHI, STEWART & OLSTEIN, ESQUIRES
BY: JOHN M. AGNELLO, ESQUIRE
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973-994-1700
Attorneys for the Defendant,
Handy & Harman Tube Company

(Thomas Bell, having been duly sworn, was examined
and testified as follows:)

(EXAMINATION OF MR. BELL BY MR. DAVIES:)

Q. Mr. Bell, my name is Marc Davies. We
just met. I am an attorney representing a group of
companies involved with paying for the remediation or
clean-up of the landfill and we are suing another
number of other companies that they believe are also
involved.

We are going to go over the
instructions briefly.

I will ask, have you been deposed
before?

A. You mean --

Q. A deposition, with a court reporter.

A. Uh-uh.

Q. I will just go over a couple of the
instructions. Again, if you have any questions about
these instructions or anything, please just ask.

First, your testimony is sworn
testimony. You are answering under oath, just like
if you were in a courtroom.

Please make sure that your answers are
verbal. The court reporter can't take down a shrug
or uh-huh. We need a yes or no, whatever your answer

Page 3

Page 5

WITNESS INDEX

Examination of Mr. Bell

By Mr. Davies: Page 4

EXHIBITS

(Exhibits appear at the
conclusion of the transcript)
(Exhibits are retained by
counsel)

is.

Also, please listen to my questions.
If you don't understand something, ask me to clarify,
I'm happy to do that.

On the same token, if I'm asking you
about something that you have a good basis to answer,
but you can't be precise, if you want to give a
range, an approximation, that's fine. I don't want
you to guess. If you don't know, don't guess, but if
you feel like you have a good handle on something and
you can give an exact number or a range, I would ask
you to do that.

We also need to make sure we don't talk
over each other so the court reporter can take
everything down. Please make sure that I finish my
question completely before answering. Also, the
attorney for the company might want to say something
as well, so just let's try to make sure we speak one
person at a time.

I will ask you whether you've taken any
medication of any kind within the last 24 hours that
might impact your ability to testify today.

A. No.

Q. Let's briefly go through your personal
information. Your name again for the record?

2 (Pages 2 to 5)

Thomas Bell

February 24, 2005

Page 66

1 Q. We have com, c-o-m?
 2 A. Yes, and we have finishing and the weld
 3 mills.
 4 Q. So you've written from left to right,
 5 finishing, com for commercial, then furnace, and then
 6 weld mills?
 7 A. Right.
 8 Q. Okay, that's great. Could you --
 9 A. That area there, I am going to say that
 10 is where the weld mills were in 1977 (indicating).
 11 Q. For a frame of reference, could you put
 12 any of the roads that would be passing by the
 13 facility?
 14 A. I've been going down that road for 43
 15 years.
 16 MR. AGNELLO: One of these is Township
 17 Line.
 18 THE WITNESS: One is Township Line and
 19 one is Whitehall.
 20 MR. AGNELLO: I think this is Township
 21 Line and this is Whitehall (indicating).
 22 BY MR. DAVIES:
 23 Q. Now, where would the -- is there an area
 24 where the products are taken from finishing out of
 25 the facility?

Page 67

1 A. Through the doors here (indicating).
 2 MR. AGNELLO: Do you want to write door
 3 there?
 4 THE WITNESS: Okay.
 5 BY MR. DAVIES:
 6 Q. Is that like a cargo door?
 7 A. Yes. Your tractor trailers would back
 8 up to that, your trucking doors.
 9 Q. Now, where would the degreaser or
 10 degreasers be on this drawing?
 11 A. About like that (indicating).
 12 MR. AGNELLO: Do you want him to write
 13 degreaser, Marc?
 14 MR. DAVIES: Please.
 15 Where are the machines, like the dye
 16 machines, the benches?
 17 THE WITNESS: The benches would be here
 18 (indicating).
 19 BY MR. DAVIES:
 20 Q. So mostly the commercial mill department
 21 is made up of the benches?
 22 A. Yes.
 23 Q. And then there is a place where the
 24 derodding would take place? The small little boxes?
 25 A. Yes, what I would call rolls, the Luster

Page 68

1 Jordan derodding machine.
 2 MR. AGNELLO: Luster Jordan is where
 3 you marked the small boxes, rolls?
 4 THE WITNESS: Yes.
 5 MR. AGNELLO: There are eight straight
 6 lines in the commercial area that you've said are the
 7 benches?
 8 THE WITNESS: Right.
 9 BY MR. DAVIES:
 10 Q. Now, would the second floor set-up be
 11 significantly different from the first floor?
 12 A. If you looked at the second floor, you
 13 would not have this (indicating).
 14 Q. You wouldn't have the commercial --
 15 A. Right, and you wouldn't have this
 16 (indicating).
 17 Q. Okay.
 18 A. Your second floor would be over this
 19 area here, over the finishing and the weld mills.
 20 That is the only second floor area that you would
 21 have (indicating).
 22 Q. And what took place over finishing on
 23 the second floor?
 24 A. Capillary.
 25 Q. And what about over the weld mills?

Page 69

1 A. Small tube. Again, there was a time
 2 frame when small tube was moved over to capillary and
 3 I'm not exactly sure what year that was and I don't
 4 want to give you a bad answer, if I can possibly help
 5 it.
 6 Q. And I don't want you to.
 7 MR. AGNELLO: Should we mark this,
 8 Marc?
 9 (Exhibit Bell-1, Diagram, is marked for
 10 identification).
 11 BY MR. DAVIES:
 12 Q. Now, besides the trichloride, were there
 13 any other solvents that were used at the facility?
 14 A. Acetone.
 15 Q. What was acetone used for?
 16 A. Cleaning, just wiping something off.
 17 Q. Anything else?
 18 A. Not that I can think of.
 19 MR. DAVIES: Can I have this marked
 20 Bell-2?
 21 (Exhibit Bell-2, De Rewal Chemical Company
 22 Invoice, February of 1973, is marked for
 23 identification).
 24 BY MR. DAVIES:
 25 Q. You are being shown Bell-2, which is an

18 (Pages 66 to 69)

Thomas Bell

February 24, 2005

Page 70

1 invoice from De Rewal Chemical Company dated February
2 of 1973. Have you ever seen this invoice before?

3 A. No.

4 Q. Have you ever seen an invoice from
5 De Rewal Chemical Company or anything with the name
6 De Rewal on it?

7 A. Not to my knowledge or not to my memory,
8 anyway.

9 Q. Aside from perhaps preparing for this
10 deposition, have you ever heard the name De Rewal?

11 A. No.

12 Q. Looking under the description, the first
13 thing that is mentioned is a 250-gallon oil tank.
14 Did you ever have an oil tank like that at Handy &
15 Harman?

16 A. You mean -- are we talking about 1973?

17 Q. Well, that would be where to start, yes.

18 A. I couldn't honestly say. I don't know
19 if they had a 250-gallon oil tank in 1973 or not. I
20 mean -- I don't know.

21 Q. Can you, in your mind, to your best
22 recollection, ever recall Handy & Harman having a
23 250-gallon oil tank at any time?

24 A. Gas?

25 Q. I don't really know what it would hold,

Page 71

1 but a tank that would hold 250 gallons, whether it be
2 gas or oil or whatever it holds. It could hold
3 water. A tank of the size that would hold
4 approximately 250 gallons.

5 (OBJECTION) MR. AGNELLO: Objection. I'd ask for a
6 clarification.

7 At any time during his 45 years or 44
8 years at Handy & Harman does he remember ever seeing
9 a 250-gallon tank that was used for any purpose, to
10 store anything?

11 MR. DAVIES: Yes.

12 MR. AGNELLO: So it's any time,
13 anything.

14 THE WITNESS: There was a gas tank, we
15 used to fill the trucks and I believe that was 250
16 gallons. I could be wrong, but we had a gas tank
17 that to me would have been 250 gallons.

18 BY MR. DAVIES:

19 Q. Where on Bell-1 would that have been?

20 MR. AGNELLO: Now, again, Bell-1 is the
21 mid -- early to mid '70's document. You are now
22 asking him for a gas tank. I guess the question is,
23 not to ask it, but so we get the time periods, when
24 did this time period exist, and Mr. Davis would like
25 to know where it was.

Page 72

1 THE WITNESS: The gas tank that I'm
2 referring to would be in the late '90's into the 2000
3 area and it would have been kept about right there
4 (indicating).

5 MR. AGNELLO: Why don't you put gas
6 tank and put late '90's, 2000? That way, there is no
7 question.

8 BY MR. DAVIES:

9 Q. So prior to the late '90's, the gas tank
10 wasn't there that you've written on that drawing?
11 There was not a gas tank there prior to the late
12 '90's?

13 A. I don't know when it came. Within the
14 last couple of years, it went. I can't say it got
15 there February 10th, 1987. I don't know when it
16 first came. I remember -- the question was do you
17 remember ever seeing a tank, okay. I remember this
18 tank sometime in the '90's, at least in the '90's.

19 Q. Okay. Now, do you know that the tank
20 wasn't there in the '70's or do you just not recall
21 one way or the other?

22 A. I don't recall to say it wasn't there.
23 I'm just not sure of that. To say it was there, I'm
24 not sure of that.

25 Q. Fair enough. Going back to Bell-2,

Page 73

1 there are several 55-gallon drums and 30-gallon
2 drums, what is referred to as industrial waste
3 solution. Do you know what that is referring to?

4 A. No.

5 Q. Is that a term that you recall using
6 when you worked at Handy & Harman?

7 A. I wouldn't know what -- I don't know
8 what the term would be, how they would send out waste
9 product. I wouldn't have been privied to this or, if
10 I would have, I don't remember or recognize it.

11 Q. Now, under that, it says 25 empty
12 55-gallon drums delivered.

13 Can you tell me why they would be
14 delivering empty drums?

15 (OBJECTION) MR. AGNELLO: Objection as to form.
16 He already said he never saw the document before, so
17 I guess if your question is -- I object as to form,
18 foundation.

19 MR. DAVIES: I will rephrase slightly.

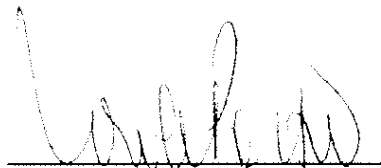
20 We talked a little bit earlier about
21 55-gallon drums being delivered for the two-week
22 shut-down. Aside from that, do you recall whether
23 empty drums were ever delivered to the facility?
24 (OBJECTION) MR. AGNELLO: Objection. I don't
25 think there is any testimony specifically about

19 (Pages 70 to 73)

C E R T I F I C A T E

I, Lori A. Porto, a Notary Public and
Certified Shorthand Reporter of the State of New
Jersey, do hereby certify that that the
foregoing is a true and accurate transcript of
the testimony as taken stenographically by and
before me at the time, place and on the date
hereinbefore set forth. .

I do further certify that I am neither a
relative nor employee nor attorney nor counsel
of any of the parties to this action, and that I
am neither a relative nor employee of such
attorney or counsel and that I am not
financially interested in this action.



Lori A. Porto, C.S.R.
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EXHIBIT P

187

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 BOARHEAD FARM AGREEMENT
4 GROUP,

5 Plaintiff,

CIVIL ACTION NO.
02-CV-3830

Judge Legrome D. Davis
Oral Deposition of

6 vs.

MANFRED T. DE REWAL, SR.

7 ADVANCED ENVIRONMENTAL TECHNOLOGY
8 CORPORATION; ASHLAND CHEMICAL
9 COMPANY; BOARHEAD CORPORATION;
10 CARPENTER TECHNOLOGY CORPORATION;
11 CROWN METRO, INC.; DIAZ CHEMICAL
12 CORPORATION; EMHART INDUSTRIES,
13 INC.; ETCHED CIRCUITS, INC.; PCG,
14 INC.; GLOBE DISPOSAL COMPANY, INC.;
15 GLOBE-WASTECH, INC.; HANDY & HARMAN
16 TUBE COMPANY, INC.; KNOLL, INC.;
17 MERIT METAL PRODUCTS CORPORATION;
18 NOVARTIS CORPORATION; NRM INVESTMENT
19 COMPANY; PLYMOUTH TUBE COMPANY;
20 QUIKLINE DESIGN AND MANUFACTURING
21 COMPANY; RAHNS SPECIALTY METALS,
22 INC.; ROHM & HAAS COMPANY, SIMON
23 WRECKING COMPANY, INC.; TECHALLOY
24 COMPANY, INC.; THOMAS & BETTS
25 CORPORATION; UNISYS CORPORATION;
UNITED STATES OF AMERICA
DEPARTMENT OF NAVY,
Defendants.

* * * * *
Thursday, May 8, 2003
* * * * *

Transcript in the above matter taken at
the offices of Ballard, Spahr, Andrews & Ingersoll,
LLP, 1735 Market Street, 42nd Floor, Philadelphia,
Pennsylvania, commencing at 10:15 A.M.

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11 TECHALLOY COMPANY, INC., THOMAS & BETTS
12 CORPORATION and UNISYS CORPORATION

13 NAVY LITIGATION OFFICE
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15 WASHINGTON NAVY YARD
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18 -and-

19 UNITED STATES DEPARTMENT OF JUSTICE
20 ENVIRONMENT & NATURAL RESOURCES
21 BY: JOHN SHEEHAN, ESQUIRE (present via phone)
22 601 D STREET NW, SUITE 8120
23 WASHINGTON, D.C.
24 (202)514-0995

25 ATTORNEYS FOR THE DEFENDANT,
UNITED STATES OF AMERICA DEPARTMENT OF NAVY

1 Q. When was the first time you heard of
2 Handy & Harman Tube Company?

3 A. I don't know.

4 Q. How did you learn about Handy & Harman
5 Tube Company?

6 A. I don't know.

7 Q. Do you know, and I apologize if you
8 answered this in response to another question, do you
9 know what the business of Handy & Harman Tube Company
10 is?

11 A. No.

12 Q. Are you familiar with any of the
13 processes used by Handy & Harman Tube Company?

14 A. No.

15 Q. Are you familiar with the types of waste
16 generated by Handy & Harman Tube Company?

17 A. No.

18 Q. Mr. DeRewal, if you would turn to P-42
19 which was marked yesterday, do you have P-42 in front
20 of you?

21 A. Yes, I have.

22 Q. Does P-42 represent a typical DeRewal
23 Chemical Company invoice?

24 A. Yes.

25 Q. If you would just look across the top

254

1 Q. Mr. DeRewal, it says 250 gallon oil
2 tank. Do you know whether the 250 oil tank was
3 coming from Handy & Harman Tube Company or being
4 delivered to Handy & Harman Tube Company?

5 A. I have no idea.

6 Q. Do you know who owned the 250 gallon oil
7 tank?

8 A. No.

9 Q. Do you know whether looking at the
10 second line under description, whether the 26
11 55-gallon drums were full or empty?

12 A. I would assume they're full of waste
13 solution. That's what it says, industrial waste
14 solution, so...

15 Q. I'm not asking you to assume. I'm
16 asking you whether you know if they were full or
17 empty.

18 A. I would not know whether they were full
19 or empty.

20 Q. Was DeRewal picking up the 26 55-gallon
21 drums from Handy & Harman Tube Company containing
22 industrial waste solution?

23 A. I don't know what they did with the 25
24 drums.

25 Q. Do you know whether the 36 30-gallon

1 drums were full or empty?

2 A. No, I do not know.

3 Q. Do you know whether the 36 30-gallon
4 drums were being delivered to or being picked up from
5 Handy & Harman Tube Company?

6 A. No, but the invoice would suggest that
7 they are being picked up. They have waste solution
8 in them.

9 Q. But you don't know as you sit here today
10 whether they were being picked up from or delivered
11 to Handy & Harman Tube Company; is that correct?

12 MR. HARRIS: Objection.

13 A. No, I wouldn't -- I wouldn't know what
14 they were -- just looking at this invoice, you know,
15 I don't think Handy & Harman is ordering waste
16 solutions. I think they are getting rid of waste
17 solutions. I mean --

18 Q. Mr. DeRewal, I didn't ask you what you
19 think. I asked you whether you knew or did not know.

20 A. I absolutely do not know.

21 Q. Okay. Can you tell me what the \$6 per
22 55-gallon drum price represents?

23 A. What?

24 Q. Looking in the third column under the
25 second preprinted line where it says price, second

1 line down says \$6 each.

2 A. Right.

3 Q. Can you tell me what the \$6 per
4 55-gallon drum price represents?

5 A. No.

6 Q. Can you tell me what the \$5 per
7 30-gallon drum price represents?

8 A. No.

9 Q. Can you tell me what the \$25 per
10 250-gallon oil tank price represents?

11 A. No.

12 Q. Looking at the first preprinted line on
13 P-42 in the third column which says shipped via, do
14 you know what the reference to "our truck" means?

15 A. Well, this is DeRewal invoice, so our
16 truck means a DeRewal -- a DeRewal truck.

17 Q. If you look at the bottom of P-42,
18 MrDeRewal --

19 A. Yes.

20 Q. -- there's a marking on the bottom.

21 A. Yes.

22 Q. Do you know what that is?

23 A. No, I do not.

24 Q. Is that a signature of some sort?

25 A. I thought that was his marking. I mean,

400

1 C E R T I F I C A T E

2 I, NORA M. GALLAGHER, a Notary Public and
3 Certified Shorthand Reporter of the State of New
4 Jersey, and Commissioner of Deeds of the Commonwealth
5 of Pennsylvania, do hereby certify that prior to the
6 commencement of the examination,

7 MANFRED T. DE REWAL, SR.

8 Was duly sworn by me to testify to the truth, the
9 whole truth and nothing but the truth.

10 I do further certify that the foregoing
11 is a true and accurate transcript of the testimony as
12 taken stenographically by and before me at the time,
13 place and on the date hereinbefore set forth.

14 I do further certify that I am neither
15 a relative nor employee nor attorney nor counsel of
16 any of the parties to this action, and that I am
17 neither a relative nor employee of such attorney or
18 counsel and that I am not financially interested in
19 this action.

20

21

22 Nora M. Gallagher, C.S.R.
23 My Commission Expires October 24, 2007
24 Certificate No. XI00911
25 Date:

EXHIBIT Q

#188793 v1

1

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 CIVIL ACTION NO.
4 BOARHEAD FARM AGREEMENT 02-CV-3830
5 GROUP, Judge Legrome D. Davis
6 Plaintiff,

7 vs. Oral Deposition of
8 KAREN CASTILLO

9 ADVANCED ENVIRONMENTAL TECHNOLOGY
10 CORPORATION; ASHLAND CHEMICAL
11 COMPANY; BOARHEAD CORPORATION;
12 CARPENTER TECHNOLOGY CORPORATION;
13 CROWN METRO, INC.; DIAZ CHEMICAL
14 CORPORATION; EMHART INDUSTRIES,
15 INC.; ETCHED CIRCUITS, INC.; FCG,
16 INC.; GLOBE DISPOSAL COMPANY, INC.;
17 GLOBE-WASTECH, INC.; HANDY & HARMAN
18 TUBE COMPANY, INC.; KNOLL, INC.;
19 MERIT METAL PRODUCTS CORPORATION;
20 NOVARTIS CORPORATION; NRM INVESTMENT
21 COMPANY; PLYMOUTH TUBE COMPANY;
22 QUIKLINE DESIGN AND MANUFACTURING
23 COMPANY; RAHNS SPECIALTY METALS,
24 INC.; ROHM & HAAS COMPANY, SIMON
25 WRECKING COMPANY, INC.; TECHALLOY
COMPANY, INC.; THOMAS & BETTS
CORPORATION; UNISYS CORPORATION;
UNITED STATES OF AMERICA
DEPARTMENT OF NAVY,
Defendants.

18 * * * * *
19 TUESDAY, JUNE 3, 2003
20 * * * * *

21 Transcript in the above matter taken at
22 the offices of Ballard, Spahr, Andrews & Ingersoll,
23 LLP, 1735 Market Street, 42nd Floor, Philadelphia,
24 Pennsylvania, commencing at 10:00 A.M.

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1 accused of transporting. It was Ruth that was
2 accused of transporting.

3 Q. Let me rephrase my question.

4 Do you know what type of chemicals Mr.
5 DeRewel, Senior was accused of importing?

6 A. No.

7 Q. You testified in response to some
8 questions asked by Mr. Harris that you prepared the
9 invoices for DeRewel Chemical; is that correct?

10 A. Correct.

11 Q. Did you also prepare invoices for Echo?

12 A. Correct.

13 Q. While you were at the Boarhead Farm
14 office were you the only individual who prepared
15 invoices?

16 MR. HARRIS: Objection.

17 A. While I was there, yes.

18 Q. My question was limited to while you
19 were there.

20 A. Yes.

21 Q. I believe you testified in response to
22 one of Mr. Harris's questions that the information
23 that was ultimately typed up on the invoice was
24 provided to you; is that correct?

25 A. Correct.

1 Q. Do you know who provided you this
2 information?

3 A. No.

4 Q. Was there a price list for what was
5 charged to customers?

6 A. No.

7 Q. How did you know how much to charge a
8 customer say, for example, disposing of a 55-gallon
9 drum?

10 A. I would get that info from Fred, Senior.

11 Q. So Mr. DeRewel, Senior would provide you
12 with the cost per 55-gallon drum to charge a
13 particular customer; is that correct?

14 A. Yes, or it was in black and white as a
15 quote.

16 Q. And do you know who prepared any such
17 quotes?

18 A. Fred, Senior.

19 Q. Do you know what the cost of disposing a
20 full 55-gallon drum was during the time of your
21 employment with any DeRewel company?

22 A. No.

23 Q. Do you know what the cost of disposal of
24 a full 30-gallon drum would cost, was for any --
25 while you worked for any DeRewel company?

1 A. No.

2 Q. Do you know what the cost of disposing
3 an empty 55-gallon drum would have been while you
4 worked for any DeRewel company?

5 A. No.

6 Q. Do you know what the cost would have
7 been for an empty 30-gallon drum while you worked for
8 any DeRewel chemical company?

9 MR. HARRIS: Objection.

10 A. No.

11 Q. Do you know what the cost for -- strike
12 that.

13 If I say the term bulk load, do you
14 understand what I mean by that?

15 A. I do.

16 Q. Can you tell me what you understand that
17 to mean?

18 A. Bulk load would be a tanker or a full
19 tractor trailer.

20 Q. Do you know what would be charged to
21 dispose of a bulk load?

22 MR. HARRIS: Objection.

23 A. No.

24 Q. I just want to be clear. All prices
25 charged by DeRewel Chemical Company to its customers

1 were set by Fred DeRewel, Senior?

2 A. Yes.

3 Q. Did DeRewel Chemical Company ever sell
4 empty 55-gallon drums?

5 A. I don't know. I don't know. I don't
6 recall, but I don't honestly know.

7 Q. Do you know who would know whether or
8 not DeRewel Chemical Company sold empty 55-gallon
9 drums?

10 A. If they sold empty drums? Well, since
11 Marvin Jonas was in the business I would imagine
12 Marvin Jonas would know, except he is dead.

13 Q. In response to my last question you said
14 since Marvin Jonas was in the business. Can you tell
15 me what business you are referring to?

16 A. Empty 55-gallon drums.

17 MS. FLAX: That's all I have. Thank
18 you.

19 MR. STABINSKI: I will go next. Rick
20 Stabinski for Ashley.

21 (EXAMINATION OF MS. CASTILLO BY MR. STABINSKI:)

22 Q. We have never met, have we?

23 A. No.

24 Q. I would like to direct your attention to
25 some of the responses you gave to Mr. Sabino about

1 C E R T I F I C A T E

2 I, RUTHANN WALKER, a Notary Public and
3 Certified Shorthand Reporter of the State of NJ
4 and Commissioner of Deeds of the Commonwealth of
5 Pennsylvania, do hereby certify that prior to the
6 commencement of the examination

7 KAREN CASTILLO
8 was duly sworn by me to testify to the truth, the
9 whole truth and nothing but the truth.

10 I do further certify that the foregoing is a
11 true and accurate transcript of the testimony as
12 taken stenographically by and before me at the time,
13 place and on the date hereinbefore set forth.

14 I do further certify that I am neither a
15 relative nor employee nor attorney nor counsel of any
16 of the parties to this action, and that I am neither
17 a relative nor employee of such attorney or counsel
18 and that I am not financially interested in this
19 action.

20

21

22 _____
RUTHANN WALKER, C.S.R.
Notary Public, State of New Jersey
23 My Commission Expires August 28, 2005
Certificate No. 415
24 Date: June 12, 2003

25